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Proximate Cause of Injury Resulting from Falling Telegraph Pole.—A telegraph company had its line of poles and wires constructed along one side of a public road. On the opposite side several men were cutting down trees for a box company. Just as one of the trees was about to fall, two of the men engaged in cutting went out into the road. As the tree, which was a tall pine, fell, it struck another tree, glanced or turned from its course, and fell in or partly across the road. Either some of its limbs or part of the other tree, struck the wires of the defendant on the opposite side of the highway, breaking some of them, and a pole to which they were attached fell into the road, striking one of the two men who were standing there, causing his death. The pole was rotten at the point where it entered the ground, and a sound pole nearer the point of impact did not fall. Held, that, even if the telegraph company failed to use ordinary care in inspecting and maintaining its poles, nevertheless, under the facts stated, the injury was not the legal and natural result of its negligence so as to authorize a recovery against it for the homicide. This is so, although the act of cutting down the tree may not in any sense have been negligent or wrongful. In this connection, see Perry *v.* Central R. Co., 66 Ga. 746; Mayor and Council of Macon *v.* Dykes, 103 Ga. 847, 31 S. E. 443; Henderson *v.* Dade Coal Co., 100 Ga. 568, 28 S. E. 251, 40 L. R. A. 95; Dubuque Wood & Coal Association *v.* City and County of Dubuque, 30 Iowa 176; City of Rockford *v.* Tripp, 83 Ill. 247, 25 Am. Rep. 381; Handelun *v.* Burlington, Cedar Rapids & Northern Ry. Co., 72 Iowa 709, 32 N. W. 4. Postal Telegraph Cable Co. *v.* Kelly, 67 S. E. 803.

This is a headnote opinion by Supreme Court of Georgia.

Liability of Hirers of Animals.—A., the owner of a mule, hired it to B., who placed it in an ordinarily safe inclosure. The mule broke out of this inclosure at night, wandered onto an uninclosed vacant lot of C., then in the possession of D. as a tenant. The vacant lot was in the town of East Point. On this lot there was an old unprotected well, into which the mule fell and was killed. A. brought suit to recover the value of the mule, against the town and against B., C., and D., as joint tort-feasors. Held, the action did not lie, and a nonsuit was properly granted. The town was not liable, because the accident was not on the highway. The owner of the vacant lot, or his tenant, was not liable, because as to them the mule was a trespasser, and they owed no duty to the owner thereof to keep the well inclosed. The hirer of the mule was not liable, because he placed the mule in an ordinarily safe inclosure. The inherent viciousness of the mule alone was the proximate cause of its death, and the case is damnum absque injuria. Weeks, Damnum Absque Injuria, § 9; Blyth *v.* Topham, Cro. Jac. 158; 1 Rol. Abr. 88; How-

land *v.* Vincent, 10 Metc. (Mass.) 371, 43 Am. Dec. 442; Garner *v.* Town of East Point, 67 S. E. 847.

This is a headnote opinion by Supreme Court of Georgia.

Scope of Statute Abolishing Survivorship between Tenants by Entireties.—It was decided by the Supreme Court of West Virginia in Irvin *v.* Stover, 67 S. E. 1119, that § 18, ch. 71, of their Code abolishing the common-law right of survivorship between tenants by entireties, did not apply to a life estate by entireties, but that survivorship as to such an estate remains at common law. In other words that provision of their Code applies only to estates of inheritance. But it is unlikely that this decision would be followed in Virginia, because § 2430 of the Code of 1904 in abolishing survivorship uses the terms "any estate;" and this would certainly indicate an intention on the part of the legislature to include estates of every kind whatsoever, especially as this was passed as an amendment to a similar section in the Code of 1850 which applied in terms only to estates of inheritance.

Registration of Automobiles as Affecting Recovery for Injuries to Passengers.—In Feeley *v.* City of Melrose, 91 Northeastern Reporter, 306, the Supreme Judicial Court of Massachusetts held that, where an automobile was not registered as required by law, there could be no recovery for injuries to the passengers, or for damages to the automobile, caused by running into an open trench in a highway, although the passengers did not know that it was not registered. It appeared that the automobile had been registered, but that there had been a transfer of its ownership before the accident, thereby causing the registration to expire, a statute providing that upon the transfer of ownership of any automobile its registration expired. As no new registration was made, the court held that the automobile was unlawfully upon the highway, and that the passengers were not travelers, but trespassers.*

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*It is unlikely that the decision in this case will be very generally followed. It seems misleading in the extreme to state that no duty is owing to the innocent occupants of an auto in such a case as this, where injuries were reasonably to have been anticipated by a failure to properly maintain the highway in proper repair.

The rule in this jurisdiction is well settled that the violation of a statute or municipal ordinance is merely evidence of negligence, and is not in any sense prima facie evidence thereof. But even in those jurisdictions in which it is held that such violation is negligence per se, a causal connecton between the act and the injuries must still be established. Platt, etc., Canal Co. *v.* Dowell, 17 Colo. 376; Pennsylvania R. Co. *v.* Hensil, 70 Ind. 569.

Thus it has been said that a person violating a public ordinance is a wrongdoer and negligent ex necessitate in the eye of the law, but